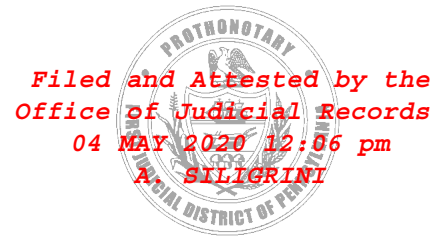


Law Offices of Alfred V. Altopiedi, p.c.
By: Alfred V. Altopiedi, Esquire
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Attorney for Plaintiffs

MAJOR JURY TRIAL
TWELVE (12) JURORS DEMANDED



CATHERINE HEAGY and HARRY HEAGY
1209 Belfield Avenue
Drexel Hill, PA 19026

: COURT OF COMMON PLEAS OF
: PHILADELPHIA COUNTY, PA

v.

BURLINGTON STORES, INC., d/b/a
BURLINGTON STORES
c/o The Corporation Trust Company
Corporation Trust Center
1209 Orange Street
Wilmington, DE 19801

TERM, 2020

and

BURLINGTON COAT FACTORY
WAREHOUSE CORPORATION, d/b/a
BURLINGTON STORES
c/o CT Corporation System Dauphin
116 Pine St # 320
Harrisburg, PA 17101

NO.:

and

BURLINGTON COAT FACTORY OF
PENNSYLVANIA, LLC, d/b/a
BURLINGTON STORES
c/o Corporation Service Company Dauphin
2595 Interstate Dr #103
Harrisburg, PA 17110

"NOTICE"

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defense or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Philadelphia Bar Association
LAWYER REFERRAL & INFO.
One Reading Center
Phila., PA 19107
(215) 238-6333

"AVISO"

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta asentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademias, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGA.

Asociacion de Licenciados
de Filadelfia
Servicio de Referencia e Informacion
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COMPLAINT

Plaintiffs, Catherine Heagy and Harry Heagy, by their undersigned counsel, complain
about Defendants as follows:

1. Plaintiffs, Catherine Heagy and Harry Heagy, are married individuals residing at
1209 Belfield Avenue, Drexel Hill, PA 19026.

2. Defendant, Burlington Stores, Inc., d/b/a Burlington Stores (hereinafter referred to as “Burlington Stores”) is a business entity incorporated in the State of Delaware and lawfully operating in the Commonwealth of Pennsylvania with a registered agent located at the Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, DE 19801.

3. Defendant, Burlington Coat Factory Warehouse Corporation, d/b/a Burlington Stores (hereinafter referred to as “Burlington Warehouse”) is a business entity incorporated in the State of Florida and lawfully operating in the Commonwealth of Pennsylvania with a registered agent located at CT Corporation System Dauphin, 116 Pine St # 320, Harrisburg, PA 17101.

4. Defendant, Burlington Coat Factory of Pennsylvania, LLC d/b/a Burlington Stores (hereinafter referred to as “Burlington PA”) is a business entity incorporated in and lawfully operating in the Commonwealth of Pennsylvania with a registered agent located at Corporation Service Company Dauphin, 116 Pine St # 320, Harrisburg, PA 17101.

5. At all times herein concerned, the Defendants were engaged in substantial, continuous and systemic business in the Commonwealth of Pennsylvania and regularly conduct business in the City and County of Philadelphia. Accordingly, venue is proper in Philadelphia County pursuant to Pa.R.C.P. 2179.

6. At all times herein concerned, Defendant, Burlington Stores, owned, occupied, possessed, maintained, controlled and operated the Burlington Store located at 400 S. State Road, Springfield, PA 19064 and was responsible to provide a safe environment and maintain the floors, entrance ways and pedestrian pathways of the aforesaid store, in a safe condition for all customers/business invitees such as Plaintiff, Catherine Heagy.

7. In the alternative, at all times herein concerned, Defendant, Burlington Warehouse, owned, occupied, possessed, maintained, controlled and operated the Burlington Store located at 400 S. State Road, Springfield, PA 19064 and was responsible to provide a safe environment and maintain the floors, entrance ways and pedestrian pathways of the aforesaid store, in a safe condition for all customers/business invitees such as Plaintiff, Catherine Heagy.

8. In the alternative, at all times herein concerned, Defendant, Burlington PA, owned, occupied, possessed, maintained, controlled and operated the Burlington Store located at 400 S. State Road, Springfield, PA 19064 and was responsible to provide a safe environment and maintain the floors, entrance ways and pedestrian pathways of the aforesaid store, in a safe condition for all customers/business invitees such as Plaintiff, Catherine Heagy.

9. At all times relevant hereto, Plaintiff, Catherine Heagy, was a customer and business invitee of the aforesaid Burlington Store located at 400 S. State Road, Springfield, PA 19064.

10. On or about August 1, 2019, at approximately 9:30 a.m., Plaintiff, Catherine Heagy, entered the aforesaid Burlington Store and walked down the stairs to the lower level and stepped onto the walk-off mat at the bottom of the stairs when, suddenly and without warning, as she stepped off of the walk-off mat and onto the tile floor, she slipped and fell on the tile floor, resulting in serious and permanent injuries as more fully described hereinafter. While on the ground, Plaintiff saw that the slippery substance that caused her fall was a clear liquid with the appearance of water which had accumulated and been there for a long period of time. Plaintiff also observed that there were wet footprints on the tile and that the walk-off mat at the bottom of the stairs was soaking wet. Plaintiff observed a manager of the store pull up the wet walk-off

mat and remove it from the bottom of the stairs.

COUNT I

PLAINTIFF, CATHERINE HEAGY v. DEFENDANTS

11. Plaintiff herein incorporates by reference the allegations contained in paragraphs 1 through 10 above, as fully as though the same were set forth herein at length.

12. At the time and date aforesaid, and for a period of time prior thereto, Defendants negligently caused and permitted a dangerous condition to exist in a place designated for travel by the Plaintiff and other business invitees of Defendant's store.

13. The negligence and carelessness of the Defendants consisted of the following:

- a. Permitting the clear liquid/water to remain on the floor in a location designated for travel by customers, causing a hazardous and dangerous condition for customers, such as the Plaintiff;
- b. Causing the walk-off mat to become saturated with a clear liquid/water;
- c. Permitting the aforesaid premises to become or remain in a dangerous condition for customers, such as the Plaintiff;
- d. Failing to warn customers, such as Plaintiff, walking on or about the aforesaid floor area of the dangerous condition either by a sign or barricade;
- e. Failing to correct the dangerous condition on the walk-off mat and the tile floor at the bottom of the stairs after having either actual or constructive knowledge of its existence for a period of time prior to Plaintiff's fall;

- f. Disregarding the safety and rights of the Plaintiff and other persons walking on or about the aforesaid floor walk-off mat and tile floor;
- g. Failing to observe the dangerous condition of the floor walk-off mat and the tile floor;
- h. Failing to maintain, inspect and control the aforesaid floor walk-off mat and tile floor in a safe condition;
- i. Failing to treat the floor surface with a readily available non-slip product knowing that such falls were foreseeable;
- j. Violating various OSHA and ANSI standards pertaining to working and walking surfaces in the aforesaid building;
- k. By allowing a slippery surface to exist, Defendants created the condition that caused Plaintiff's fall; and
- l. By allowing a walk-off mat to become soaked with a clear liquid/water, Defendants created the condition that caused Plaintiff's fall.

14. As a result of the aforesaid incident, which was caused by the carelessness and negligence of the Defendants, Plaintiff, Catherine Heagy, suffered injuries which are serious, severe and permanent, including but not limited to: full thickness tear of the right rotator cuff requiring surgical repair, rotator cuff syndrome, rotator cuff strain and sprain, right shoulder impingement syndrome, right wrist injury, right wrist strain and sprain, right elbow injury, lumbar strain and sprain, right leg injury, right hip injury, aggravation, acceleration and/or activation of any pre-existing condition or conditions regarding same, as well as a severe shock to her emotional, psychological and nervous systems, all of which have caused, continue to cause

and probably in the future will cause her great pain and agony.

15. As a result of the injuries sustained as aforesaid, Plaintiff, Catherine Heagy, has suffered severe functional impairments, permanent loss of bodily functions and loss of life's pleasures and enjoyment.

16. By reason of the injuries sustained as aforesaid, the Plaintiff, Catherine Heagy has been and will continue to be hindered from attending her daily duties, functions, occupations and avocations, to her great detriment and loss.

17. As a further result of the injuries sustained as aforesaid, Plaintiff, Catherine Heagy, has been or will be obliged to receive and undergo medical attention and care and to expend various sums of money or incur various expenses, and she may be obliged to continue to expend such sums or incur such expenditures for an indefinite period of time in the future.

18. As a further result of the carelessness, negligence and recklessness of the Defendants as aforesaid, Plaintiff has suffered agonizing aches, severe and permanent physical injuries and pains, disability, mental anguish and humiliation and may continue to suffer same for an indefinite time in the future, all to her great detriment and loss.

19. As a further direct and proximate result of the injuries sustained as aforesaid, the Plaintiff, Catherine Heagy, has incurred or may hereafter incur other financial expenses and losses.

WHEREFORE, Plaintiff, Catherine Heagy, demands judgment against each Defendant in an amount in excess of Fifty Thousand (\$50,000.00) Dollars, plus delay damages pursuant to Pa. R.C.P. 238, along with costs and fees.

COUNT II

PLAINTIFF, HARRY HEAGY v. DEFENDANTS

20. Plaintiff herein incorporates by reference the allegations contained in Paragraphs 1 through 19 above, as fully as though the same were set forth herein at length.

21. As a result of the injuries sustained by his wife, Catherine Heagy,, the Plaintiff, Harry Heagy, has been deprived of his wife's assistance, comfort, society and consortium, any and all which may continue, and all of which have been to the great loss of Plaintiff, Harry Heagy.

WHEREFORE, Plaintiff, Harry Heagy, demands judgment against each Defendant in an amount in excess of Fifty Thousand (\$50,000.00) Dollars, plus delay damages pursuant to Pa. R.C.P. 238, along with costs and fees.

/s/ Alfred V. Altopiedi

ALFRED V. ALTOPIEDI, ESQUIRE
DONNA A. CASASANTO, ESQUIRE
Attorneys for Plaintiffs

VERIFICATION

I, Catherine Heagy, verify that the facts contained in the
foregoing Complaint are true and correct to the best of
my knowledge, information and belief; and that these statements are made subject to the
penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

x Catherine Heagy

Dated: 5-1-2020